

**CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT
ADMINISTRATIVE REVIEW**

NOTICE OF DECISION

TO: Troy Schmeil
Callidus Development, Inc.
16834 SE 43rd Street
Bellevue, WA 98006

Ronald S. Fredericksen, PE
Eastside Consultants, Inc.
1320 NW Mall Street, Suite B
Issaquah, WA 98027

PROJECT: Johnson Short Plat (2 lots)

APPLICATION: **Planning Application: PLN12-00048**

DATE OF DECISION: December 13, 2013

REQUEST: Application for short plat approval to subdivide a 37,120 square foot lot (0.85 acre) zoned Single Family Suburban, into two (2) lots. Lot 1 will contain 14,987 square feet and Lot 2 will contain 22,133 square feet. The site is currently undeveloped. The short plat subdivision will allow a new single family house to be constructed on each lot.

LOCATION: The property is located on the south side of Front Street South at the 1200 block and just north of Issaquah Creek, Issaquah, WA. See location with vicinity map, Exhibit 2.

SUBAREA: The property is located within the "Sycamore" subarea.

COMPREHENSIVE PLAN DESIGNATION: "Low Density Residential" by the City's Comprehensive Plan's Use Designation Map, as amended January 16, 2011, Ord. 2643.

PARCEL NUMBER: 342406-9087

SITE AREA: 37,120 square feet (0.85 acre)

ZONING: "SF-S" (Single Family Suburban)

DECISION MADE: On December 13, 2013, the Development Services Department conditionally approved the application for the Johnson Short Plat, application PLN12-00048.

Approval of the application is based on the submittal made on July 13, 2012, and revised drawings and information received on July 22, 2013 and October 18, 2013, Exhibits 1-17, and is subject to the following conditions:

1. Following expiration of the appeal period of this Notice of Decision, provide the City with a mylar copy of the approved short plat. Upon City signature of the Mylar, the applicant shall record the approved Short Plat with the King County Department of Records and Elections. The Short Plat shall not be deemed formally approved until so filed.
2. The land use file number shall be placed on both mylar sheets. The short plat file number is: PLN12-00048.
3. On sheet 1 of 2, change "Planning Director" to "City of Issaquah, Development Services Department". "Development Review Department" which is in the signature block should be "Development Services Department".
4. Remove the names of Dale and Carole Johnson from the short plat drawings if they have no ownership/affiliation with the subject property.
5. Building Division conditions:
 - A) The project lies within a flood hazard area and a flood hazard permit will be required. All grading and construction must meet the requirements of section 16.36 Issaquah Municipal Code and also the applicable provisions of chapters 3, 4, 13, 14, 16 and 20-31 of the International Residential Code. The first floor along with all utilities and HVAC equipment and ductwork must be elevated at least 1' above the level of flood protection.
 - B) A foundation soils report by a licensed WA state geotechnical engineer will be required at the time of building permit submittal. A peer review of the submitted soils report by a second engineer may be required on some sites.
6. Engineering condition:

A Water Main Extension is required per IMC 13.12.010 Frontage requirements. Additionally, a fire hydrant shall be provided based upon the following:

13.08.030 Fire hydrants.
Installation Requirements. The installation of all fire hydrants shall be in accordance with sound engineering practices. In addition, the following requirements shall apply to all building construction projects:
The maximum distance between fire hydrants in single-family use district zones shall be 500 feet.
7. The 100 foot creek buffer along Issaquah Creek shall be placed in a Native Growth Protection Easement (NGPE) as shown on the short plat drawing and a "critical area" sign shall be installed at the edge of the creek buffer.
8. Tree Preservation: The Landscaping Code, chapter 18.12.1385(A) requires tree retention for significant trees. Significant trees are those that are 6 inches caliper d.b.h. and greater, except cottonwood and alder trees which are significant if 8 inches and greater. For the

short plat, tree retention requirements are 30% of the total caliper of all significant trees.

9. Impact and mitigation fees will be due with the issuance of Building Permits for each of the new lots, including 1) Transportation Impact Fee, 2) Schools Impact Fee, 3) Parks Impact Fee, 4) Fire Impact Fee, 5) General Government Mitigation Fee and 6) Police Mitigation Fee.
10. Three copies of the recorded Short Plat drawings shall be provided to the Development Services Department within ten (10) days of recording with the King County Department of Records and Elections.
11. One (1) electronic copy of the final plans shall be provided in a software format acceptable to the Public Works Department.
12. All new property corners of the lots shall have a rebar and cap set per current WAC guidelines for land surveys.

REASONS FOR DECISION:

1. Issaquah Municipal Code (IMC) 18.04.400 of the Land Use Code authorizes the Development Services Department to review the Short Plat through the Level 2 Review process (administrative review and approval). The Level 2 Review requires public notice to property owners within 300 feet of the site and a decision by the Development Services Department.
2. The application was received on August 21, 2012 and a Notice of Complete Application was issued on May 10, 2012.
3. The property is zoned Single Family Suburban (SF-S). Single family houses are a permitted land use in this zone. The subject property is currently undeveloped. The applicant desires to subdivide the property into 2 lots which will then allow a single family dwelling on each lot. Development standards required of each lot (including setbacks, lot coverage and building height) will be reviewed at the time of Building Permit application submittals are made.
4. The minimum lot size in the SF-S zone is 9,600 square feet according to the District Standards Table, IMC 18.07.360. Each of the lots will contain the minimum square footage.
5. A SEPA Determination of Nonsignificance was issued for the project on December 11, 2013. As part of the SEPA review with the applicant, it was agreed that the applicant will remove invasive Himalayan blackberries and plant 5 native conifer trees in the 100-foot stream buffer along Issaquah Creek. The Critical Areas Regulations requires that critical areas and associated buffers be protected with a permanent deed restriction recorded on the lot as a Native Growth Protection Easement (NGPE). This restriction is shown on sheet 2 of 2 of the short plat drawing along with a 15 foot building setback to the 100 foot creek buffer. The NGPE prohibits development and alteration of native vegetation within the critical area/buffer except for purposes of habitat enhancement. The project proposal will include the removal of invasive plant species including Himalayan blackberry and the planting of 5 native conifer trees within the stream buffer which will provide some improvement over existing site conditions. The City of Issaquah was the lead agency for

the SEPA review and it was determined that the requirements for environmental analysis, protection and mitigation measures have been adequately addressed in the development regulations and comprehensive plan. No additional mitigation measures were required of this SEPA decision. The DNS is entered as Exhibit 15.

6. Review procedures: Review procedures are established under Chapter 18.13.370. The short plat is required to be revised under a Level 2 process per IMC 18.04.370, administrative review and with public notice to property owners within 300 feet of the site. The proposal met the public notification requirements (for notice of application and public comment notice) for the Level 2 Short Plat review. A notice of the short plat subdivision including maps of the property was mailed to surrounding property owners within 300 feet of the site on August 22, 2012, and a 2 week comment period was provided ending on September 5, 2012. Two letters of public comments were received from citizens (Exhibits 16 & 17).

In summary, their comments were:

- Building a second house only benefits the developer.
- Concern of flooding as floor water flowing west comes from the Johnson property. It is believed that the subdivision of having 2 houses on the property will negatively impact the environment.
- Creating another house on the site will alter the water flow.
- 40% maximum impervious lot coverage is for normal circumstances and does not consider flooding. The Critical Area buffer should be increased.
- Development of the property will likelihood increase flooding on other properties.
- The proposal is contrary to the efforts of the city to ease flooding in this area.
- The Johnson property is home and passage for numerous wildlife and the development will impact animal life.
- Additional stress is placed to the creek environment in the form of storm water drainage and chemical runoff.
- Increase plantings in the critical area and protect existing trees.
- Standards that apply to adjacent properties should also apply to the Johnson property.
- Traffic flow & safety. There is a traffic median in Front Street and this will not allow left turn movements from the property resulting in U-turns further south that can be disruptive to traffic flow and safety.

City Response:

- The property owner has the right to develop the property with more than a single house. Added houses on this property will benefit future homeowners.
- The property is located within the 100-year flood plain and development in the flood plain is not prohibited provided new houses comply with the standards of a flood hazard permit which would be required to be issued along with the Building Permits. There is no evidence that houses on the site will alter the flow of water.
- The maximum impervious surface allowed is 40% and the minimum pervious area required is 60%. Area that is set aside as buffer along Issaquah Creek can count towards the pervious area requirement.
- A 100-foot buffer will be retained along the creek and will be available for wildlife along the creek area. That area will be placed in a Native Growth Protection Easement that will be required to be recorded with King County. Where new houses will be constructed will result of loss of wildlife habit in those areas.

- Plantings: A 100 foot buffer is being provided along the north side of Issaquah Creek. Existing native trees within that area are identified to be preserved. In addition, significant trees along the eastern and western sides of the 2 lots are identified as being retained to comply with the 30% caliper retention required. The application proposes tree retention of 35.6% of the total tree calipers.
 - There is a planted median within Front Street South that is not proposed to be altered or eliminated with the short plat proposal. Although inconvenient, hose living in houses within this short plat will be restricted to right-in and right out turning movement from the property. Not left turns will be possible with the median island.
7. A Certificate of Transportation Concurrency was required and was provided for the short plat subdivision by certificate CON12-00012. The certificate was issued on July 31, 2012. It was determined that the short plat would generate 2.02 PM peak hour trips for the two lots created. The proposal is consistent with the requirements of the Transportation Concurrency Management Code (IMC Chapter 18.15). No further review for transportation was required for the short plat proposal. Certificate of Transportation Concurrency entered as Exhibit 10.
 8. The Subdivision Code, stating with Chapter 18.13.020-E (Scope), establishes the Short Plat regulations that apply to land being divided into four or fewer lots and which have not been divided as part of a Short Plat within a period of five years previously. The subject property has not been subdivided within the last 5 years.
 9. Tree retention requirements are required for subdivisions, including short plats, per IMC 18.12.1385. 30% of the total caliper (dbh) of all significant trees in the developable site area is required. The tree retention is shown on short plat drawing and will need to be shown on the site drawings with building permit applications for the two lots.
 10. The Short Plat must meet the requirements of IMC 18.13.380 "Design Standards":
 - A. *Lands which the Planning Director/Manager has found to be unsuitable due to flood, inundation, or swamp conditions likely to be harmful to the safety, welfare and general health of the future residents, and the Planning Director/Manager considers inappropriate for development, shall not be subdivided unless adequate means of control have been formulated by the applicant and approved by the Public Works Director.*

Response: The site does not contain critical areas such as wetlands, steep slopes or other sensitive area features or conditions that would be harmful to the safety, welfare and general health of the residents of the 2 future homes proposed for the short plat. Non-buildable lots are not being created.
 - B. *The applicant shall furnish a soil test if required by the Public Works Director. The Public Works Director shall determine whether control measures are warranted. The applicant shall be responsible for the design, installation and expense of any device or corrective measures subject to the approval of the Public Works Director.*

Response: A soils test was not required for the Ibrahim Short Plat. Soils reports will be required with building permits for the future houses proposed on the site.

- C. *All lots shall abut upon or have adequate access, by easement or private road, to a dedicated or deeded public right-of-way. In the event that an existing abutting public right-of-way does not meet the minimum width standards, additional right-of-way may be required prior to approval of a short subdivision.*

Response: Both lots will have direct access onto a public street, that being Front Street South. A Lot #1 front directly along Front Street and Lot #2 is located between Lot 1 and Issaquah Creek. A 15 foot wide driveway easement is shown on the eastern side of Lot 1 that will serve as access to Lot 2.

- D. *The minimum land area for each lot shall be no less than the minimum allowed by this Code (District Standards Table, IMC 18.07.360) for the specific zone in which the proposed short subdivision is planned to be located, plus any additional area to be used for access easement and/or private roadway.*

Response: The proposed lots are 4 sided, mostly rectangular except for Lot 1 which is angled along the diagonal of front Street South. The short plat will allow a single family house on each lot within the required development standards of the SF-S zone, including setbacks and pervious/impervious surface ratios). The SF-S (Single Family Suburban) zoning requires a minimum lot size of 9,600 square feet. The 2 lots contain the required minimum square footage as shown below and as identified by the closure calculations (Exhibit 7). The square footage and acreage of the 2 lots are:

PROPOSED LOTS:

- Lot No. 1:
- Lot No. 2:

LOT AREA:

14,987 square feet (0.34 acre)
22,133 square feet (0.51 acre)

11. The proposed Short Plat will create 2 lots as identified on the Short Plat drawings, Exhibits 11 and 12). The property is currently developed. Single family houses will be constructed on each of the lots. The SF-S zoning of the property allows a maximum impervious surface area of 40% on each lot (including the driveway easement on Lot #1) and requires a minimum of 60% pervious area on each lot. Lot #2 will receive pervious area credit for the stream buffer along Issaquah Creek. The Development Standards of the zoning including building setbacks, building height and compliance with pervious/impervious surface ratios with will need to be complied with under future Building Permit review. Any dwelling built within 200 feet of the Ordinary High Water Mark of Issaquah Creek (shoreline jurisdiction) will also require a Shoreline Permit.
12. The property contains "Critical Areas", including:
- *Adjacent to Issaquah Creek (Class 1 Stream)*
 - *100-Year Flood Plain*
 - *Floodway*

The short plat drawing shows the 100-foot buffer to Issaquah Creek and a 15-foot building setback to the creek buffer on Lot # 2 and is identified as a Native Growth Protection Easement. That encompasses approximately half of that lot, but leaves the remaining northern portion of that lot outside of the creek buffer.

All of the property is within the 100-year flood plain and structures can be built in the flood plain with approval by the City of a Flood Hazard Permit, including the raising of structures a minimum of 1 foot above the 100-year flood plain.

The southern portion of Lot 2 contains designated Floodway of Issaquah Creek and no structures can be built within that area.

A Wetland Reconnaissance was conducted of the property by Sewall Wetland Consulting, Inc., to determine if any jurisdictional wetlands are located on the subject property. The site was inspected on September 9, 2013. It was determined that no areas meeting the criteria of jurisdictional wetlands were found on or within 200 feet of the site. The Wetland Reconnaissance report is entered as Exhibit 13.

- 13 IMC 18.13.390 "Required Improvements" states that the Planning Director/Manager shall determine that the following improvements are available for each parcel created by the division of land:

A. *Adequate water supply when necessary;*

Response: A water main extension along the project frontage is required by Condition # 6.

B. *Adequate method of sewage disposal;*

Response: The 2 lots will be served water by an 8 inch sewer line that runs down Front Street South.

C. *Provision for appropriate deed, dedications and easements;*

Response: No deeds, dedications and easements are required.

D. *Storm drainage improvements and storm sewers when necessary;*

Response: An 18 inch storm water line runs down Front Street South. Storm drainage improvements for each new lot will follow the requirements of IMC Chapter 13.28 (Stormwater Management Policy) and the City's Addendum to the 2009 King County Surface Water Design Manual.

E. *Fire hydrants when necessary;*

Response: A fire hydrant will be required as conditioned with the short plat (condition #6). This requirement is in compliance with IMC 13.08.030 (Fire Hydrants).

F. *Street and alley paving, and concrete curbs, gutters and sidewalks when necessary;*

Response: No additional street paving and sidewalks are necessary at this site.

G. *Street lights when necessary;*

Response: No additional street lighting is required for the short plat.

- H. *Adequate provisions for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.*

Response: The proposed short plat will be adequately served by Issaquah schools and City parks, including Clark Elementary School, Issaquah Middle School, Tiger Mountain High School and Issaquah High School, all to the north. Sidewalks are in place along the streets to these schools. Nearby parks are located south of this site, including Squak Valley Park (north and south parks) located along Front Street. The Issaquah Community Center is located to the north.

Summary: The proposal meets the short plat requirements, A – H, as discussed above.

14. The City has determined that appropriate provisions are available or have been made for public health, safety, and general welfare.
15. The application was routed to City Departments for review and comment. Those comments are incorporated into this Notice of Decision.
16. In accordance to IMC 18.13.400, all short plats shall be filed with the King County Department of Records and Elections and shall not be deemed formally approved until so filed. The filing of the short plat shall be the responsibility of the applicant. Every short plat filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the applicant (entered as Exhibit 5). A copy of the recorded plat shall be returned to the Issaquah Permit Center within ten (10) days of recording along with an electronic copy in a format acceptable to the Public Works Department.

EXPIRATION OF LAND USE PERMIT

The final decision approving the Short Plat is valid for three years as specified by IMC 18.04.220-D, or as amended by the Land Use Code.

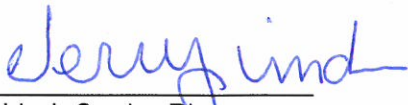
EXHIBIT LIST:

1. Short Plat Application, PLN12-00048, received 7-13-2012
2. Vicinity Map
3. Affidavit of Ownership/Agent Authority, received 7-13-2012
4. Project narrative, received 4-26-2012
5. Short Plat drawing, sheet 1 of 2, received 7-13-2012
6. Short Plat drawing, sheet 2 of 2, received 7-13-2012
7. Lot closure calculations, received 7-15-2012
8. Aerial photo of site, by Development Services Department
9. Photographs of property (6), taken by Development Services Department, 9-25-2012
10. Certificate of Transportation Concurrency, CON12-00012, issued 7-31-2012
11. Short Plat drawing, sheet 1 of 2, received 7-22-2013
12. Short Plat drawing (with tree inventory), sheet 2 of 2, received 7-22-2013

13. Wetland Reconnaissance report (5 pages), by Sewall Wetland Consulting, Inc., dated 10-15-2013
14. Environmental Checklist
15. SEPA Determination (DNS), dated 12/11/2013

Correspondence received:

16. Joint letter from: 1) Julie Averill & Cindy Bolam, and 2) Bob & June Bolam, dated 9-2-2012
17. Letter from Lisa Carman, dated 8-31-2012



Jerry Lind, Senior Planner
Development Services Department

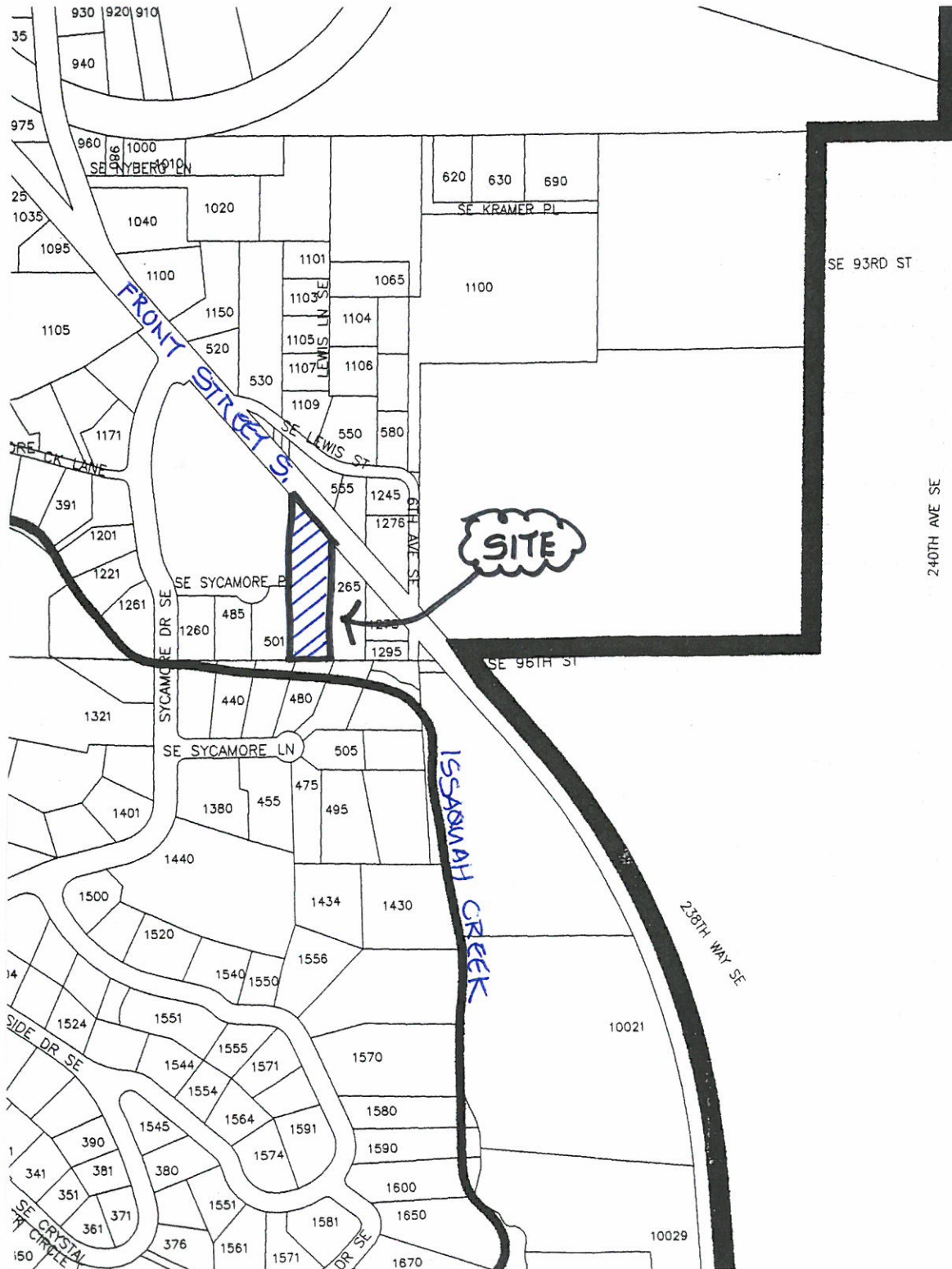


Date

PLN12-00048, Troy Schmeil short plat, Notice of Decision

VICINITY MAP

Johnson short plat (2 lots)
1200 block of Front Street South



CITY OF ISSAQUAH DETERMINATION OF NONSIGNIFICANCE (DNS)

Description of Proposal: Proposal to subdivide a 37,120 SF parcel into 2 lots to construct single family residences. Proposed lots sizes are 14,987 SF and 22,133 SF and the minimum lot size of the Single Family Suburban zoning is 9,600 SF. The site is currently undeveloped and adjacent to Issaquah Creek. A 100-foot stream buffer plus a 15-foot building setback would be provided on Lot 2. The applicant proposes to remove invasive Himalayan blackberries and plant 5 native conifer trees in the stream buffer. Access to both lots would be from a shared driveway off Front Street S.

Proponent:	Troy Schmeil Callidus Development, Inc. 16834 SE 43 rd Street Bellevue, WA. 98006	Ron Fredericksen Eastside Consultants, Inc. 1320 NW Mall St, Suite B Issaquah, WA. 98027
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Permit Number: PLN12-00048 – Johnson Short Plat

Location of Proposal: 1200 block Front Street South

Lead Agency: City of Issaquah

Determination: The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

Comments: This DNS is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days. Written comments may be submitted between **December 11, 2013** and **December 26, 2013**. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or if significant adverse impacts are likely, withdraw the DNS.

Appeals: You may appeal this determination by filing a Notice of Appeal with the Issaquah Permit Center located at 1775 12th Ave. NW, Issaquah between **December 11, 2013** and **December 26, 2013**. Appellants should prepare specific factual objections. Contact the SEPA Responsible Official to read or ask about the procedures for SEPA appeals.

Notes:

- 1) This threshold determination is based on review of the short plat plan received July 22, 2013; environmental checklist received July 13, 2012; Wetland reconnaissance letter (Sewall Wetland consulting, Inc.) received October 15, 2013; and other documents in the file.
- 2) Issuance of this threshold determination does not constitute approval of the short plan permit. The proposal will be reviewed for compliance with all applicable City of Issaquah codes, which regulate development activities, including the Land Use Code, Critical Area Regulations, Building Codes, Clearing and Grading Ordinance, and Surface Water Design Manual.

Findings:

1. Short plats are categorically exempt from SEPA review, except where located in environmentally critical areas (IMC 18.10.300.A). The subject site contains Issaquah Creek, and streams are included as an environmentally critical area (IMC 18.10.360). If a project is not categorically exempt because it is located within a critical area, environmental review is limited to: 1) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and 2) Evaluating

potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations [WAC 197-11-908(1)].

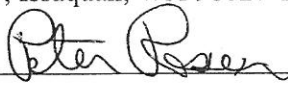
2. Lot 2 of the proposed short plat is adjacent to Issaquah Creek. The proposal includes a 100-foot stream buffer plus a 15-foot building setback from the buffer, consistent with requirements of the City's critical area regulations (IMC18.10.785.C).
3. Issaquah Creek is a Class 1 stream, identified as a "shoreline of the state." The short plat would not involve physical improvements within 200 feet of the ordinary high water mark (OHWM) and therefore no shoreline permits are required for the short plat. Construction of a home on Lot 2 may require a shoreline exemption if it is located within 200 feet of the OHWM. This would be completed with a building permit.
4. The site is within the 100-year floodplain of Issaquah Creek. A flood hazard permit may be required for construction of residences. This would be required with building permits.
5. A wetland reconnaissance (Sewall Wetland Consulting, October 15, 2013) was completed to determine if there are jurisdictional wetlands located on the site. The report concluded there were no areas meeting wetland criteria on the site or within 200 feet of the site.
6. The subject site is currently undeveloped and the stream buffer area is dominated by invasive plant species including Himalayan blackberry. The applicant proposes to clear the blackberries and to plant 5 native conifer trees within the stream buffer. This would provide some improvement over existing site conditions.
7. The Critical Area Regulations require critical areas and associated buffers to be protected with a permanent deed restriction recorded on the lot, a native growth protection easement (NGPE). The NGPE prohibits development and alteration of native vegetation within the critical area/buffer, except for purposes of habitat enhancement (IMC18.10.515B.2).
8. SEPA Rules, WAC 197-11-158(2)(d), direct a lead agency to place the following statement in the threshold determination if all of a project's impacts are addressed by other applicable laws and no conditions will be required under SEPA: "The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA."

Responsible SEPA Official: Peter Rosen

Position/Title: Senior Environmental Planner

Address/Phone: P.O. Box 1307, Issaquah, WA 98027-1307 (425) 837-3094

Date: 12/11/2013

Signature: 

cc: Washington State Department of Ecology
Muckleshoot Indian Tribe
U.S. Army Corps of Engineers
Washington State Department of Fish and Wildlife
Issaquah Development Services Department
Issaquah Parks and Public Works Engineering Departments